

- c. The appropriate application (NOI) fee as required by ARM 17.30.201.
2. NOI Package Submittal

A signed and complete NOI form, a signed and complete SWPPP, and the required application (NOI) and annual fees must be submitted to the following address:

Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

3. Department Processing of NOI Package

The Department will send a Confirmation Letter acknowledging the receipt of the complete Notice of Intent Package.

Incomplete or unsigned NOI submittals will be returned to the applicant and coverage under the General Permit is not effective until a complete package is received. The source is not authorized under the General Permit until a complete NOI package is received by the Department.

Receipt by the Department of the complete NOI Package constitutes a full agreement by the permittee to meet and comply with all requirements stated in this General Permit.

Coverage under the General Permit remains in effect until the permittee submits a Notice of Termination (NOT) stating that the site has achieved final stabilization and all applicable fees have been paid. The NOT form must be signed by the owner or operator or other authorized person in accordance with Part V of the General Permit. The permittee is responsible for payment of annual fees for each calendar year in which the source is covered under the General Permit.

**E. Sources Covered Under the 2002 General Permit – Continuing Coverage**

In order to maintain coverage under the General Permit, all sources must submit a complete NOI form and submit an application (NOI) fee (ARM 17.30.201(5) schedule I.B) by July 1, 2007. The NOI must be submitted to the Department at the address provided in Part I.D. The source is not required to submit a new or an amended SWPPP; however, a valid SWPPP must be maintained by the permittee in accordance with Part IV of this General Permit. Coverage under the General Permit will be terminated after July 1, 2007 unless a completed NOI form and fee have been received by the Department for the site.

Coverage under the General Permit remains in effect until the permittee submits a Notice of Termination (NOT) certifying that the site has achieved final stabilization or the permittee fails to submit a complete NOI form by July 1, 2007. The NOT form must be signed by the owner or operator or other authorized person in accordance with Part V of this General Permit. The permittee is responsible for payment of annual fees for each calendar year in which the source is covered under the General Permit.

**F. Modification to NOIs**

After a NOI package is received by the Department and coverage under the General Permit is in effect, a permittee may not modify the NOI or SWPPP to add additional construction-related disturbance area(s) except if the new additional construction-related disturbance is directly contiguous to and directly associated with the original site or facility, except for support activities. In accordance with ARM 17.30.201 the permittee must submit the applicable application fee. Such an amendment is considered a major amendment.

An authorization under the General Permit may be transferred to a new owner or operator in accordance with Part V. of this General Permit after the appropriate transfer has been paid.

**G. Notice of Termination**

1. Where a site has been finally stabilized the permittee shall submit a standard DEQ Notice of Termination (NOT) form that has been signed in accordance with Part V of this General Permit. The NOT form must include the following information:
  - a. The facility or site name and location, mailing address of the construction activity site. Where a mailing address for the site is not available, the location of the site must be described by the latitude and longitude of the site (in degrees, minutes, and seconds);
  - b. The name, address, and telephone number of the permittee as identified in the NOI;
  - c. The MPDES NOI number (Permit Number) as stated in the NOI Package Receipt Confirmation Letter described in Part I.C.4. of this General Permit;
  - d. Certification indicating the site has achieved final stabilization, and

- e. The complete NOT form must be signed and certified in accordance with the requirements in Part V of the General Permit. The NOT must be sent to the following address:

Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Failure to submit a Notice of Termination shall result in accrual of annual permit fees until this notice has been received by the Department.

2. Any owner or operator of a facility or site covered under this General Permit may request to be excluded from coverage under this General Permit by applying for an individual permit. If a final individual permit is issued to an owner/operator otherwise subject to this General Permit, coverage under this General Permit is terminated on the effective date of the individual permit.

#### **H. Fees**

1. Fees submitted for storm water discharges associated with construction activity are divided into two categories based on the following:
  - a. A "residential (single family dwelling)" construction activity is the construction of any building, structure, access, utility, or related disturbance utilized for single family occupancy on a distinct and individual lot or parcel of land and that is not combined with or a part of construction activity related to other lots, parcels of land, or single family dwellings. Construction activity must directly include the construction of one single family dwelling (house). Persons constructing more than one single family dwelling (such as a subdivision) are not eligible.
  - b. A "commercial or public" construction activity is a construction activity that does not meet the above criteria as a "residential (single family dwelling)" construction activity and that includes the development of subdivisions and other projects which are part of a common plan for development or sale.

An indication of which of these two categories a construction activity meets must be provided on the NOI form.

2. Annual fees are based on the calendar year. Permittees are responsible for paying the annual fee for any calendar year, or portion thereof, for which they have an active storm water discharge authorization under this General

Permit. A Notice of Termination under Part I.G. of this General Permit is required to deactivate the accrual of annual fees.

3. The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:
  - a. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 75-5-516, MCA, or
  - b. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section.

**I. Residential (Single Family Dwelling) Authorization**

Under ARM 17.30.201 and Part I.H. of the General Permit, a provision exists for General Permit authorization with a reduced flat fee for a "residential (single family dwelling)" storm water discharge associated with construction activity. To qualify for this type of authorization, all construction-related disturbance must achieve "final stabilization" within two years after the date the initial complete NOI package was submitted.

**PART II. EFFLUENT LIMITATIONS AND STANDARDS**

The following effluent limitations and conditions apply to all facilities or activities subject to this General Permit

- A. There must be no discharge of process wastewater pollutants to state surface waters.
- B. Any discharge to state surface waters must be composed entirely of storm water. Discharges must consist of water generated only through rainfall precipitation and snowmelt.
- C. A discharge of storm water must not cause or contribute to a violation of water quality standards.
- D. The permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirement of Part IV of this General Permit.
- E. The permittee must implement and maintain all BMPs and storm water management controls in accordance with the requirements of the General Permit.
- F. The requirements of this permit remain in effect until the site has reached final stabilization and the owner or operator has submitted a complete Notice of Termination (NOT) form and paid the applicable fee.

**PART III. MONITORING AND REPORTING REQUIREMENTS****A. Monitoring Requirements**

1. The permittee shall implement and maintain Best Management Practices (BMPs) to minimize potential pollutants in storm water discharges, as identified in the SWPPP.
2. Storm water discharges associated with construction activity must be monitored by the permittee as specified in this section to evaluate the adequacy and effectiveness of the erosion and sediment control measures and BMPs.
3. Erosion and sediment control measures must be inspected and maintained by or under the direction of the permittee at least once every fourteen calendar days and within 24 hours after any rainfall event of 0.5 inches or greater.
4. The frequency of the inspections required in Part III.A.3. may be reduced to monthly, as follows:
  - a. After the permittee has completed earthwork and construction activities at the construction site and has installed the SWPPP erosion and sediment control measures and other BMPs necessary to establish final stabilization at a later date, or
  - b. Between December 1 and March 1.

In either case, all sediment and erosion control measures and other BMPs must be in place as identified in the SWPPP. This change in inspection frequency and its schedule for implementation must be indicated in the SWPPP.

5. All inspections and monitoring performed above under Part III.A.3. and 4. of this General Permit must be documented and kept in accordance with Part III.C.2. and 3. of this General Permit.
6. The permittee of a storm water discharge associated with construction activity with construction-related disturbance of 5 acres or more of total land area, which has had active General Permit coverage for 1 year or more, shall perform an annual inspection of the site by the 1 year anniversary date of the submittal of the NOI Package or the initiation of active permit coverage. The annual inspection must:
  - a. Identify areas contributing to the storm water discharge associated with construction activity and evaluate whether measures to reduce

pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the requirements in this General Permit or whether additional controls are needed.

- b. Be summarized in a report that includes a certification of compliance with the SWPPP and General Permit and any incidents of non-compliance. Such report and certification must be signed in accordance with the signatory requirements of Part V of this General Permit. This inspection record, report, and certification must be maintained in accordance with Part III of this General Permit. The annual inspection report is not required to be submitted to the Department.

**B. Reporting Requirements**

**1. Notification of Facility Contact Changes**

The permittee shall notify the Department in writing of any change of the designated contact person, mailing address, and/or telephone number (as originally identified in the Notice of Intent) within 15 calendar days of this change.

**2. Noncompliance Reporting**

If, for any reason, the permittee does not comply with or will be unable to comply with any condition specified in this General Permit, the permittee shall notify the Department within 24 hours of becoming aware of the noncompliance and provide the Department with the following information, in writing, within five calendar days of becoming aware of such condition:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times; or, if not identified, the anticipated time the noncompliance is expected to continue; and,
- c. Additional measures being taken to reduce, eliminate, and prevent recurrences of the non-complying discharge or other cause of noncompliance.
- d. Maintain a copy of the noncompliance report.

All reports, notifications, and inquiries regarding the conditions of this General Permit must be provided to the Department at:



Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, MT 59620-0901  
(406) 444-3080

**C. Records Retention**

**1. Permit Retention Requirements**

The permittee shall retain a copy of this General Permit, a copy of the completed and signed NOI form, a copy of the Department's Confirmation Letter for Receipt of the Notice of Intent Package (after it is received by the permittee from the Department), and a copy of the completed and signed Storm Water Pollution Prevention Plan (SWPPP) at the construction activity project site at all times during the active coverage period provided under this General Permit. If no permanent offices/buildings are located at the facility site, copies of these documents must be retained at the office of the permittee's contact person identified on the Notice of Intent form and at the office of the permittee and must be brought to the site at all times with these identified persons. If the person designated as responsible contact/individual is replaced during the active coverage period provided under this General Permit, the permittee shall ensure measures are in place to transfer and familiarize replacement personnel with the requirements pertaining to these documents.

**2. Inspection Records**

The permittee shall keep a record of inspections and the information required in Part III of the permit, the date and time of inspection, the name of the person performing the inspection, any occurrence of noncompliance with the permit and any corrective measures or actions taken by the permittee. This inspection record must be made available to the Department upon request.

**3. Required Period of Record Retention**

All records and information resulting from the monitoring activities required by this General Permit, a copy of the completed and signed NOI form, a copy of the DEQ NOI Package Receipt Confirmation Letter, and a copy of the completed and signed SWPPP shall be retained by the permittee for a minimum of 3 years from the date the site is finally stabilized, or longer if requested by the Department.



**PART IV. STORM WATER POLLUTION PREVENTION PLAN**

- A. The permittee shall develop a Storm Water Pollution Prevention Plan (SWPPP). The permittee shall implement the SWPPP at the time construction activity commences. The objective of the SWPPP is to minimize the erosion of disturbed land during construction and post-construction activities and to minimize pollutants, such as from sediment, fuels, oil, grease, fertilizer, pesticides, concrete truck washout, etc., from discharging to state surface waters. It is the responsibility of the permittee to ensure the SWPPP requirements stated in this General Permit are complied with. Incomplete SWPPPs are a violation of this General Permit. The Department may take (or initiate) enforcement action if a permittee is found to have prepared an incomplete SWPPP.

The SWPPP must:

1. Be signed and certified in accordance with the signatory requirements in Part V of this General Permit;
  2. Be maintained at the construction site in accordance with Part III.C. of this General Permit; and
  3. Provide for compliance with the terms and schedule of the SWPPP and be updated as necessary.
- B. The SWPPP must be implemented for the entire duration of the project, beginning with disturbance related to construction activity and lasting through establishment of site final stabilization of disturbed areas.
- C. The Department may notify the permittee that the SWPPP is not in compliance with this General Permit. This determination of SWPPP deficiency may be derived through site inspection or through a review of the SWPPP. After such notification from the Department, the permittee shall make changes to the SWPPP and submit a written certification to the Department indicating the necessary changes have been made. Unless otherwise provided by the Department, the permittee shall have 7 calendar days after such notification to make the necessary changes to the SWPPP. When the Department makes such notification, the permittee shall provide the Department with a copy of revisions to the SWPPP.
- D. The permittee shall maintain and keep the SWPPP updated to reflect current conditions. The SWPPP shall also incorporate improvements if the SWPPP proves to be ineffective in achieving the general objectives of minimizing pollutants in the discharge of storm water from the site.
- E. The SWPPP may include any erosion and sediment control measures or Best Management Practices (BMPs), including but not limited to the use of sediment

basins, berms, barriers, filter strips, covers, diversion structures, seeding, and sodding.

- F. Any SWPPP that is prepared for a construction activity must be developed and implemented using standard engineering practices.
- G. The SWPPP must include at least the following items:
1. Site Description: Each plan must at a minimum, provide a description of the following:
    - a. The nature of the construction activity, including a proposed implementation schedule for major activities;
    - b. Estimates of the total area of the site, and all other sites if a phased development project, and the area of the site that is expected to undergo disturbance related to construction activity;
    - c. Site map(s) indicating:
      - Areas of total development and, at a minimum, areas of "disturbance" related to construction activity (including support activities related to a construction site, concrete or asphalt batch plants, equipment staging yards, material storage areas, material borrow areas, etc.);
      - Drainage patterns;
      - Approximate slopes anticipated after major grading activities;
      - Areas used for the storage of soils or wastes;
      - Areas used for the storage of fuel(s);
      - Location of all erosion and sediment control measures or structures;
      - Areas where vegetative measures are to be implemented;
      - The location of impervious structures (including buildings, roads, parking lots, outdoor storage areas, etc.) after construction is completed;
      - The location of all state surface waters on or near to the construction activity site (including perennial and intermittent waterbodies, ephemeral streams, springs, wetlands with standing water, etc.);
      - The boundary of the 100-year floodplain, if determined; and
      - A north arrow and map scale;

- d. The character and erodibility of soil(s) and other earth material to be disturbed at the project site, including cut/fill material to be used;
  - e. For a storm water discharge associated with construction activity with construction-related disturbance of 5 acres or more of total land area, an estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the NOI is completed;
  - f. The names of receiving state surface waters and a description of the size, type, and location of each point source discharge or outfall. If there is no distinguishable point source discharge or outfall to the receiving state surface waters, a description of storm water runoff flow and drainage patterns into the receiving state surface waters must be provided. If the discharge is to a municipal separate storm sewer, the location of any storm sewer discharge into receiving state surface waters; and
  - g. A description of storm water discharges from support activities related to a construction site (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, fill areas, access roads constructed, etc.).
2. BMPs and Storm Water Management Controls

The permittee covered by this General Permit shall develop, as part of the SWPPP, a description of BMPs and storm water management controls appropriate for the site, including a brief description of applicable local erosion and sediment control requirements. The following minimum components must be addressed, including a schedule for implementation, unless otherwise authorized in writing by the Department.

- a. A description of stabilization measures which must, to the degree practicable, preserve existing vegetation and re-vegetate areas of construction-related disturbance as soon as possible after grading or construction. In developing vegetative measures, the permittee shall consider: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer/filter strips, grassed waterways, erosion control blankets, and tree and shrub planting.
- b. A description of structural measures which indicates how, to the degree practicable, the permittee will divert storm water flows from exposed soil, store these flows, or otherwise limit runoff from exposed areas of the site. In developing structural measures, the permittee shall consider: straw bale dikes, sediment control (silt)

fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, rock outlet protection, drain inlet and outlet protection, temporary drain diversions, sediment traps, temporary sediment basins, infiltration trenches or basins, and retaining walls. The permittee should also consider the proximity of structural measures with respect to floodplains, and if there are other alternatives, avoid the placement of structural BMPs within the floodplain.

- c. None of the temporary control structures, including sediment control (silt) fences and straw bale dikes, shall be removed until permanent vegetation and site stabilization has taken place. The only exception to this would be where temporary control structures need to be moved or removed in order to allow continuing construction activities to occur, in which case equivalent measures must be implemented to ensure the same level of protection in minimizing potential pollutant discharges.
  - d. Off-site vehicle tracking of sediments from the construction site must be controlled or minimized, particularly onto paved road surfaces, in order to minimize the potential impairment of storm water quality.
  - e. When trucking saturated soils from the site, either tight leak-proof trucks must be used or loads must be required to drain until drippage has been reduced to less than 1 gallon per hour before leaving the site.
  - f. Good housekeeping measures to help minimize other non-sediment pollutant contact with storm water runoff. Common potential problem areas to address would be waste management areas, storage areas, loading/unloading areas, and drums/tanks/containers. Measures could include a routine schedule for the managing/removal of waste materials, as well as routine inspections of these potential problem areas.
- H. BMPs must minimize or prevent "significant sediment" (as defined in Part VI of this General Permit) from leaving the construction site.
- I. If "significant sediment" (as defined in Part VI of this General Permit) results from the failure of erosion or sediment control measures, the permittee shall evaluate the effectiveness of such measures or other BMPs and incorporate improvements to minimize the potential for "significant sediment".
- J. If "significant sediment" (as defined in Part VI of this General Permit) results from the failure of erosion or sediment control measures, the material should be